

REMARKS**1. Status of Application**

This application includes claims 1-19. Claims 1-8 and 11-15 were rejected under 35 U.S.C. §102(e) as anticipated by published U.S. Patent Application No. 2002/0180335 A1 (Ser. No. 09/909,195) to Saitou et al. ("Saitou"), and claims 9, 10, and 16 were rejected under 35 U.S.C. §103(a) as unpatentable over Saitou alone.

2. Discussion**a. Rejections Under §102(e) and 103**

Claims 1-19 were initially rejected under 35 U.S.C. §102(e) as being anticipated by Saitou or for being unpatentable under 35 U.S.C. §103(a) in view of Saitou alone.

Saitou has a U.S. filing date of July 19, 2001. Furthermore, Saitou is not based on an international application, so it is not entitled to a "U.S. filing date" any earlier than its actual July 19, 2001 U.S. filing date.

The present application claims priority to Japanese Patent Application No. 2001-17348 filed June 8, 2001, and the Examiner has indicated that the claim to convention priority, as well as a certified copy of the Japanese priority document, have been received by the U.S.P.T.O.

In their previous response, applicants have respectfully pointed out that the present application is entitled to a date of invention at least as early as the June 8, 2001 priority date, which is before the July 19, 2001 U.S. filing date of Saitou. Applicants thus submitted that Saitou is not properly citable as prior art under 35 U.S.C. § 102(e) against the present application. Accordingly, applicants submitted that any provisional rejection under 35 U.S.C.

§§ 102(e), 103 of the present claims that relies on Saitou, either alone or in combination with other references, would be improper.

In the October 7, 2003 Final Office Action, the Examiner maintained the rejection of claims 1-19 under 35 U.S. §102(e) as being anticipated by Saitou or for being unpatentable under 35 U.S.C. §103(a) in view of Saitou alone, stating that a certified translation of the priority document was not of record. Final Office Action at 4-5.


Applicants have submitted herewith a certified copy of the priority document. Accordingly, applicants submit that the rejections over Saitou should be withdrawn.

3. Conclusion

It is respectfully submitted that the present application as amended is in condition for allowance and prompt notification thereof is requested. If the prosecution of this application can be advanced by a telephone conference, the Examiner is requested to call the undersigned at (212) 530-5363.

Respectfully submitted,

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